

Possession of a weapon:

(Corrected version of original submission).

The key issue

1. The issue at trial was simply whether police had located a revolver in the ensuite of the bedroom or had they "planted" it there. The assertion of Barry CATT that Roseanne CATT possessed a revolver was under challenge, as was the assertion of various witnesses that Roseanne CATT had either said she had a gun or had requested they obtain a gun for her or was going to Sydney to acquire one (T 2308). Roseanne CATT said she did not possess a gun and other witnesses said they had no knowledge of her having one. COTTEE said she had located one in the police search.

The evidence at trial

2. Police arrived at 7.30 am. COTTEE searched the ensuite after her return from dropping off the children at the Police station. The weapon was found at 10.00 am (T 2157A).
3. According to THOMAS, police attention was drawn to the possibility of finding a weapon in a briefcase (T 7- T31). A briefcase was found but not searched at the premises. The description of the weapon provided by Barry CATT was of a Derringer, 2 shot, with a double barrel (T 2545). The weapon located was not such a weapon.
4. The defence case was that the weapon was planted by police. The absence of COTTEE (taking the CATT children to the police station) provided the opportunity for police who were alleged to be involved in the "planting" (specifically THOMAS, who remained in the bedroom while police searched other parts of the house) to place the revolver in the ensuite prior to it being searched by COTTEE.